

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Michael Danieli, on behalf of  
himself and those similarly  
situated,

Plaintiff,

- against -

International Business Machines  
Corporation

Defendant.

08 cv 3688 (RWS)

**MOTION TO ADMIT COUNSEL**

**PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the  
Southern and Eastern Districts of New York, I, Piper Hoffman a member in good standing of  
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: David A. Lowe  
Firm Name: Rudy, Exelrod & Zieff, LLP  
Address: 351 California Street, Suite 700  
City/State/Zip: San Francisco, CA 94104  
Phone Number: (415) 434-9800  
Fax Number: (415) 434-0513

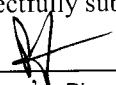
David A. Lowe is a member in good standing of the Bar of the States of  
California

There are no pending disciplinary proceeding against David A. Lowe  
in any State or Federal court.

Dated: May 21, 2008

City, State: New York, NY

Respectfully submitted,

  
Sponsor's Piper Hoffman  
SDNY Bar PH 4990  
Firm Name: Outten & Golden LLP  
Address: 3 Park Ave., 29th Floor  
City/State/Zip: New York, NY 10016  
Phone Number: (212) 245-1000  
Fax Number: (212) 977-4005

SDNY (Rev. 10/2006) Pro Hac Vice Sample Affidavit

**UNITED STATES DISTRICT****SOUTHERN DISTRICT OF NEW YORK**Michael Danieli, individually and on  
behalf of others similarly situated,

Plaintiff,

08 cv 3688 (RWS)

- against -

International Business Machines  
Corporation

Defendant.

**AFFIDAVIT OF  
PIPER HOFFMAN  
IN SUPPORT OF DAVID A. LOWE  
TO ADMIT COUNSEL  
PRO HAC VICE**

State of New York )

)

ss:

County of New York )

Piper Hoffman, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Outten & Golden LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit David A. Lowe as counsel pro hac vice to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in New York on 2/26/03. I am also admitted to the bars of Massachusetts and D.C. and of the United States District Court for the Southern District of New York, and am in good standing in all of these bars.
3. David A. Lowe is a partner at Rudy, Exelrod & Zieff, LLP in San Francisco, California.
4. I have found Mr. Lowe to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
5. Accordingly, I am pleased to move the admission of David A. Lowe, pro hac vice.
6. I respectfully submit a proposed order granting the admission of David A. Lowe, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit David A. Lowe pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

Dated: 05/21/2008

City, State: New York, NY

Notarized:

Respectfully submitted,



Name of Movant: Piper Hoffman

SDNY Bar Code: PH 4990



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

May 13, 2008

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DAVID ADAM LOWE, #178811 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 1995; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert  
Custodian of Membership Records

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

Michael Danieli, on behalf of himself and  
those similarly situated, Plaintiff,

08 cv 3688 (RW)

- against -  
International Business Machines Corporation Defendant.

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Piper Hoffman attorney for Michael Danieli, on behalf of himself and those similarly situated,  
and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: David A. Lowe  
Firm Name: Rudy, Exelrod & Zieff, LLP  
Address: 351 California Street, Suite 700  
City/State/Zip: San Francisco, CA 94104  
Telephone/Fax: (415) 434-9800  
Email Address: dal@rezlaw.com

is admitted to practice pro hac vice as counsel for Michael Danieli, on behalf of himself and those similarly situated, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:  
City, State:

United States District/Magistrate Judge